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Municipal Wastewater Treatment Works Construction Grants Program Supplement Number 6

(U.S.) Environmental Protection Agency, Washington, DC

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This Handbook contains the replacement pages and policy directives after the Manual of References (MCD-02) was published. This represents the sixth in a series of Program Requirements Memoranda.

17. KEY WORDS AND DOCUMENT ANALYSIS

a. DESCRIPTORS	b. IDENTIFIERS/OPEN ENDED TERMS	c. COSATI Field/Group
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Municipal Wastewater Treatment Works Construction Grants Program

References

Regulations ·Guidance ·Procedures

CLEAN WATER

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MCD 02.6

TO HOLDERS OF THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
MANUAL OF REFERENCES - MCD-02:

PLEASE FILE THE ATTACHED CONSTRUCTION GRANTS PROGRAM REQUIREMENTS MEMORANDA 78-11 and 78-12 IN SECTION II OF THE MANUAL.

(ALSO ATTACHED IS A REVISED FOURTH PAGE FOR THE TABLE OF CONTENTS.)

Memoranda		Former Designation
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PRM 75-39	Eligibility of Land Acquisition Costs for the Ultimate Disposal of Residues from Wastewater Treatment Processes	PG-67
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PRM 77-7	Management of State Project Priority Lists
PRM 77-8	Funding of Sewage Collection System Projects
PRM 77-9	Reallotment of Recovered Funds
PRM 78-1	Erosion & Sediment Control in the Construction Grants Program
PRM 78-2	Discount Rate
PRM 78-3	"Buy American"
PRM 78-4	Grant Eligibility of Land Acquired for Storage in Land Treatment Systems
PRM 78-5	Interim Management of FY 1978 State Priority Lists Under the 1977 Amendments
PRM 78-6	Industrial Cost Recovery - Interim Guidance
PRM 78-7	Combined Step 2/3 Construction Grant Awards
PRM 78-8	Rejection of All Bids: Guidance for E.P.A. Concurrence Function
PRM 78-9	Funding of Sewage Collection System Projects
PRM 78-10	Infiltration/Inflow Program Guidance
PRM 78-11	Toxicity of Chemical Grouts for Sewer Rehabilitation
PRM 78-12	Preconstruction Lag Management

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

11 MAY 1978

Construction Grants
Program Requirements Memorandum
PRM No. 78-11

SUBJECT: Toxicity of Chemical Grouts for Sewer Rehabilitation

FROM: John T. Rhett, Deputy Assistant Administrator for Water Program Operations (WH-546) John T. Rhett

TO: Regional Administrators
Regions I thru X

Purpose

This Program Requirements Memorandum provides an alert on the potential health hazards associated with the field application of a major chemical grout used in correcting sewer infiltration. The grouting material is AM-9 manufactured by American Cyanamid. Your immediate action is requested in distributing this memorandum and the attachment to all Construction Grant Program grantees.

Discussion

In applying the AM-9 grout, a catalyst containing dimethyl amino propionitrile (DMAPN) is used. On April 7, 1978, OSHA issued a health hazard alert concerning DMAPN. It stated, "There is no current permissible exposure limit. It is unknown at the present time if there is any safe limit for human exposure to ESN (a trademark name for DMAPN). The use of the material has been discontinued in plants in both Maryland and Massachusetts. Accordingly, based on serious and immediate adverse human health effects already evident it is imperative that worker exposure to ESN and its components be completely avoided."

The OSHA alert was based on operations involved in the manufacture of polyurethane foam. However, on the basis of this alert, the Washington Metropolitan Transit Authority recently requested that all future use of this product (DMAPN) be stopped immediately and the product be removed from all of its subway construction sites. DMAPN had previously been used in grouting operations in subway tunnels.

Action

1. Distribute this memorandum and the attached OSHA alert to the State Agencies in your region and to all grantees who are or may potentially be using the above chemical grouts in sewer rehabilitation projects.

2. There are already efforts underway to continue grouting with AM-9 using a different catalyst agent. However, we understand that the production of AM-9 will be discontinued as of July 31, 1978. In view of this and the health related concerns discussed above, please assess the impact of these events on the infiltration/inflow program as it relates to the overall management of the Construction Grant Program. You will be notified as soon as additional information becomes available. Please keep me advised of your findings and conclusions.

OSHA HEALTH HAZARD ALERT: NIAX Catalyst ESN

It has come to OSHA's attention that your firm has used and may still be using NIAX catalyst ESN (registered TM, Union Carbide). ESN is composed of two chemicals: (1) dimethyl amino propionitrile, and (2) BIS-2, dimethyl amino ethyl ether. The material is chiefly used as a catalyst in certain polyurethane foam production operations.

There have been documented reports on serious adverse health effects among male and female employees exposed to ESN in plants in both Maryland and Massachusetts. The most striking symptoms uniformly reported by afflicted workers are those of urinary dysfunction. In one Maryland plant 69 of 101 workers questioned complained of difficulty starting urination, pain and burning on voiding, incomplete emptying of the bladder, slowness in expelling urine, and other urinary problems. There have also been employee reports of impotence and sexual difficulties. A few individuals have received urological surgery. There is evidence that for a smaller number of employees toxic effects of ESN include damage to the nervous system (peripheral neuropathy) with symptoms of muscle weakness, loss of balance and coordination, numbness, tingling, and loss of feelings. ESN exposure may also cause liver dysfunction.

Employees have reported symptoms of toxic effects after as few as three of ESN exposure. In addition to these immediate urinary and neurological effects, exposure to ESN can lead to serious and permanent health damage to the afflicted worker.

The material has moderate to severe toxicity by the skin, inhalation, and oral routes of administration in acute animal studies. OSHA has not found any animal toxicology data on long-term or chronic effects of ESN exposure.

There is no current permissible exposure limit. It is unknown at the present time if there is any safe limit for human exposure to ESN. The use of the material has been discontinued in plants in both Maryland and Massachusetts. Accordingly, based on the serious and immediate adverse human health effects already evident, it is imperative that worker exposure to ESN and its components be completely avoided. It is also essential that employers take the following actions regarding ESN:

1) Inform all employees of the possible adverse health effects of exposure.

2) Provide all employees with a copy of this telegram.

3) Advise all employees with symptoms described in this notice to see a physician and show him/her this message. The physician should be made aware that the urological complaints have been mistaken for non-occupationally caused prostatic or bladder disease.

4) Urge all employees with symptoms to report them to OSHA, to their bargaining agent if there is one, and to the corporate medical department if any.

5) Advise the corporate medical department or other designated physician to inform OSHA promptly of all employee reports of symptoms described above.

Those involved should contact the OSHA regional administrator to convey all employee reports of symptoms. A complete list of OSHA regional administrators is attached as an appendix to this document. Physicians and others seeking more technical or medical information on health effects of ESN should call the OSHA regional administrator for referral. Further, since serious physical harm to employees has taken place after short periods of exposure to ESN, OSHA compliance officers have been directed to institute imminent danger proceedings where appropriate measures have not been taken to eliminate this exposure.

Workers exposed to the individual components of ESN, alone or in combination with other chemical compounds, should be investigated for similar adverse health effects, with particular reference to urinary tract symptoms.

Eula Bingham
Assistant Secretary for Occupational
Safety and Health

OSHA Regional Administrators

1. Region I - Gilbert Saulter (CT, ME, MA, RI, VT)
   617-223-5535
2. Region II - Alfred Barden (NJ, NY, PR, VI)
   212-399-5941
3. Region III - David Rhone (DE, DC, MD, PA, VA, WV)
   215-596-1206
4. Region IV - Allan McMillan (AL, FL, GA, KY, MS, NC, SC, TN)
   404-881-2305
5. Region V - Berry White (IL, IN, MI, MN, OH, WI)
   312-353-4716
6. Region VI - Robert Wendell (AR, LA, NM, OK, TX)
   214-749-3473
7. Region VII - Vernon Strahm (IA, KS, MO, NB)
   816-374-5048
8. Region VIII - Curtis Foster (CO, MT, ND, SD, UT, WY)
   303-837-3416
9. Region IX - Gabrel Gillotti (AZ, CA, GU, HI, NV, Am. Sam., Trust Terr., N. Mariannas)
   415-556-0586
10. Region X - James Lake (AK, ID, OR, WA)
    206-442-5930

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 12 1978

OFFICE OF WATER AND
HAZARDOUS MATERIALS

CONSTRUCTION GRANTS
Program Requirements Memorandum
PRM #78-12

SUBJECT: Preconstruction Lag Management

FROM: John T. Rhett, Deputy Assistant Administrator for Water Program Operations (WH-546)

TO: Regional Administrators

ATTN: Water Division Directors

PURPOSE:

The purpose of this memorandum is to establish Agency policy regarding the management of preconstruction lags.

DISCUSSION:

Section 35.935-9 of the current construction grant regulations states that, if construction of a Step 3 project is not initiated within one year after award, grant assistance will be terminated. This section also provides that the Regional Administrator may defer such termination for not more than six additional months, if there is good cause for the delay in initiation of construction.

Because of a continuing history of failure by grantees to initiate construction on their projects within a reasonable period of time following award of the Step 3 grant, a program for the management of these lags must be decisive so as to minimize the number and value of projects in preconstruction over an extended period. Measures, such as anticipating problems early, having a plan of control, taking the lead in overcoming delays, and emphasizing to the grantee that his grant may be terminated or annulled and an enforcement action initiated must be included in such a program.

The proposed technical amendments published in the FEDERAL REGISTER on June 2, 1978, has revised Section 35.935-9 to read as follows:

§35.935-9 Project initiation and completion.

(a) The grantee agrees to expeditiously initiate and complete the Step 1, 2 or 3 project, or cause it to be constructed and completed, in accordance with the grant agreement and application, including any project schedule, approved by the Regional Administrator. Failure of the grantee to promptly initiate Step 1, 2 or 3 project construction may result in annulment or termination of the grant.

(b) No date reflected in the grant agreement, or in the project completion schedule, or extension of any such date, shall be deemed to modify any compliance date established in an NPDES permit. It is the grantee's obligation to request any required modification of applicable permit terms or other enforceable requirements that may be affected by an extension.

(c) The invitation for bids for Step 3 project work is expected to be issued promptly after grant award. Generally this action should occur within 90 to 120 days after award unless compliance with State or local laws requires a longer period of time. The Regional Administrator shall annul or terminate the grant if initiation of Step 3 construction, including all significant elements of project work, has not occurred within 12 months of the award of Step 3 grant assistance (or approval of plans and specifications, in the case of a Step 2+3 grant). However, the Regional Administrator may defer (in writing) the annulment or termination for not more than 6 additional months if:

(1) The grantee has applied for and justified the extension in writing to the Regional Administrator;

(2) The grantee has given written notice of the request for extension to the NPDES permit authority;

(3) The Regional Administrator determines that there is good cause for the delay in initiation of project construction; and

(4) The State agency concurs in the extension.

POLICY:

Beginning September 1, 1978, to obtain a deviation from 40 CFR 35.935-9, for deferment beyond 18 months, it shall be Environmental Protection Agency (EPA) policy that the grantee must document that the delays are due to circumstances beyond his control and provide certification that construction will be initiated by the deferment date in the deviation request. Such dates must be within a brief and strictly limited period of time.

No determination should be made by the Regional Administrator to extend the required date for initiation of construction of a project, or any segment, until prior approval has been obtained from the State agency. If an extension of time is not approved by either EPA or the State, the EPA Regional Office should take immediate action to terminate or annul the grant. The funds can then be utilized for other projects within the State, consistent with the State project priority system.

IMPLEMENTATION:

Regional Office personnel shall coordinate all actions with the Enforcement Division and Permits Branch in implementing the above policy as follows:

1. Immediately review the current construction lag report for all projects with a construction lag in excess of 12 months without an approved extension and in excess of 18 months without a granted deviation. Select projects for termination or annulment. For those projects which the Regional Administrator has assured himself will be under construction in a reasonable amount of time, an official extension may be granted or deviation requested, as appropriate. Other projects should be considered for termination or annulment and enforcement action.

2. Immediately review all projects which have not gone to construction by the end of six months after Step 3 grant award and classify them as being in "Delayed Status." Immediately relay this information to the Director, Enforcement Division.

3. Immediately review all projects which have not gone to construction within 120 days of Step 3 grant award and determine if invitations for bids have been published. Classify those projects which have not been advertised as being in "Delayed Status" and relay this information to the Director, Enforcement Division.

4. Continually maintain the Preconstruction Lag Report in detail. Instructions for maintaining the Preconstruction Lag Report are contained in References B & C below.

5. Continually monitor all projects on the Preconstruction Lag Report to spot potential problem projects.

6. At the time that projects are classified as being in "Delayed Status," require detailed preconstruction schedules from grantees and aggressively pursue the implementation of these schedules. Monthly, Area Program Managers in Headquarters will determine the status of all "Delayed Status" projects, either by telephone or by visits to the Regional Offices. Area Program Managers will also analyze the Preconstruction Lag Report and discuss problem aspects with the Regions.

7. In the seventh month after Step 3 grant award, advise the grantee that a very real potential exists, both for the termination or annulment of his project at the end of one year and for possible enforcement action. Advise the grantee to review his alternative approaches for solving the problem which is delaying construction. For projects delayed by circumstances under the grantee's control, advise the regional Enforcement Division of the situation, including a recommendation for action from the Water Division.

8. Between the seventh and twelfth month, determine if "Delayed Status" projects can be brought to construction. If construction cannot be started before the end of the twelfth month and, if it is reasonably assured that construction can be started within a six month extension period, obtain from the grantee the documentation required by the above policy.

9. At the end of the twelfth month, terminate or annul "Delayed Status" grants in accordance with the above policy if documentation does not justify extension. Refer grantee to the Enforcement Division for more extensive enforcement action.

REFERENCES

A. 40 CFR 35.935-9, Project Completion.

B. Memorandum to Regional Administrators from John T. Rhett, "Construction Grants Projects Not Yet Under Construction," November 5, 1976.

C. Memorandum to Water Division Directors from John T. Rhett, "Preconstruction Status Report," May 25, 1977.

D. POM 77-12, "Management of Preconstruction Phase of Step 3 Grants," June 21, 1977.

★U.S. Government Printing Office: 1978-777-066/1124 Region 8